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FROM THEORY TO PRACTICE: ACHIEVEMENTS AND CHALLENGES IN THE IMPLEMENTATION OF RJ FOR JUVENILES IN RELATION WITH PUBLIC INSTITUTIONS IN ALBANIA

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Presentation topics



- Share information about the state of RJ, particularly for juveniles in Albania and the collaboration with state institutions;
- Introduce achievements and challenges faced in practice;
- The experience of AFCR in implementing RJ programs in the Institute for Minors in Kavaja.

Few words about AFCR



- Established in 1995 on the initiative of a group of experts from the juridical, social and cultural area, with the support of DANIDA;
- It was established with the goal of providing an alternative to the court approach to people (*given the chaos created after the collapse of communism, increased number of conflicts, deficiencies in the new state agencies*);
- Areas of expertise:
 - Advocacy for the legal infrastructure of mediation in Albania;
 - Awareness raising on ADR/Mediation/Restorative Justice for various target groups;
 - Capacity building in the area of conflict management, facilitation, mediation, peer mediation, restorative justice;
 - Piloting programs in ADR/Mediation in civil, commercial, family, criminal, school conflicts;
 - Capacity building for mediators;
 - Mediation Service Provision.
- Founding member of the EFRJ.

AFCR intervention in the area of RJ – particularly for juveniles



- Initiation of RJ programs in the year 2000, inspired by EFRJ and in cooperation and support with the National Norwegian Mediation;
- 2006 – 2010: RJ program for Juveniles (undertaken under the Juvenile Justice Reform:
 - Forum on RJ in 2006: introduction of the RJ model – UNICEF considered it as an important element and made it part of the JJ Reform.
- 2010 – present: Follow up programs in cooperation with and support from EU Delegation, UNICEF, Save the Children; Terre des Hommes, etc.



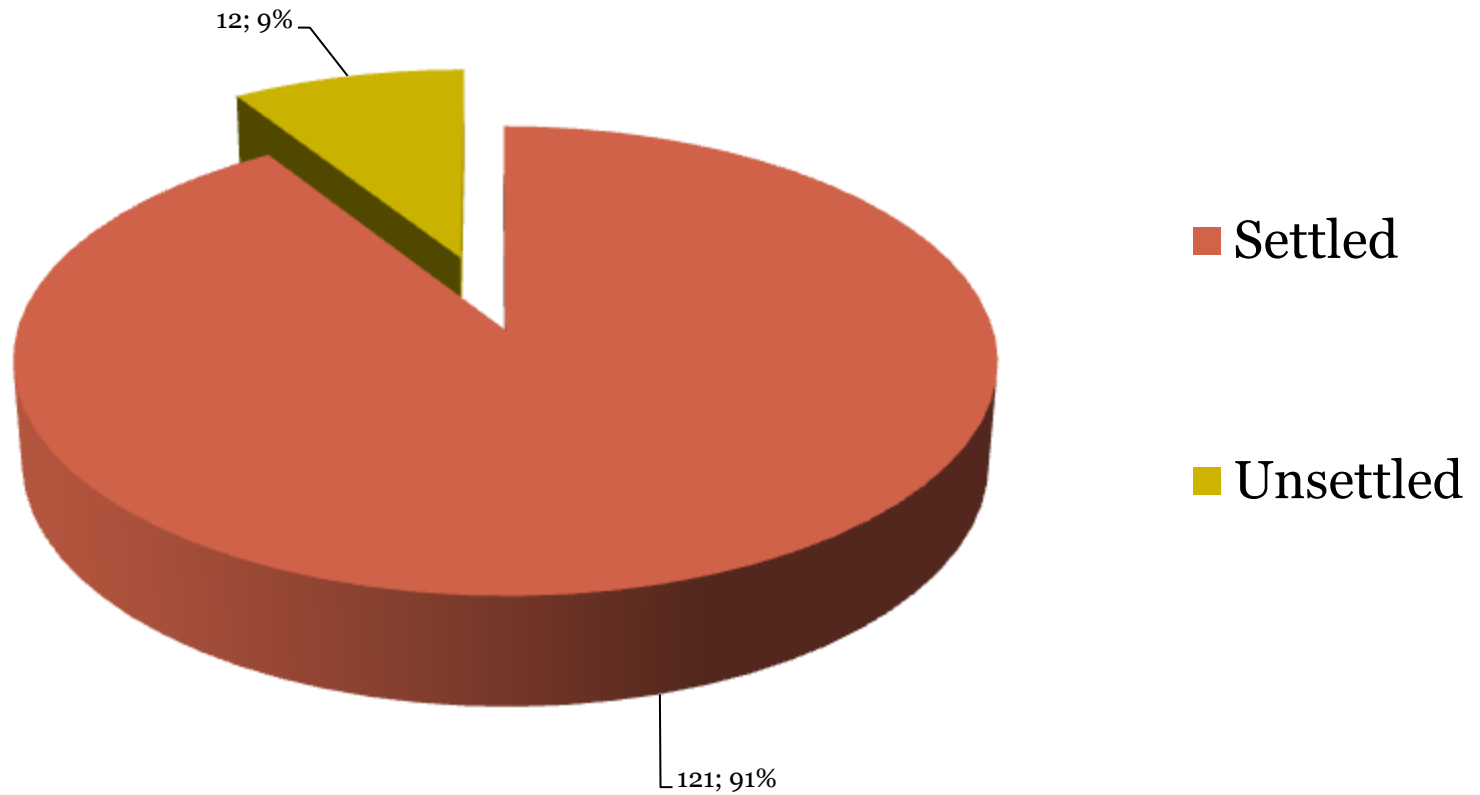
Main elements of Mediation/RJ model functioning in Albania

- Previous experience (positive elements of the reconciliation tradition – customary law).
- Institutional partnership.
- Establishment of good operating models.

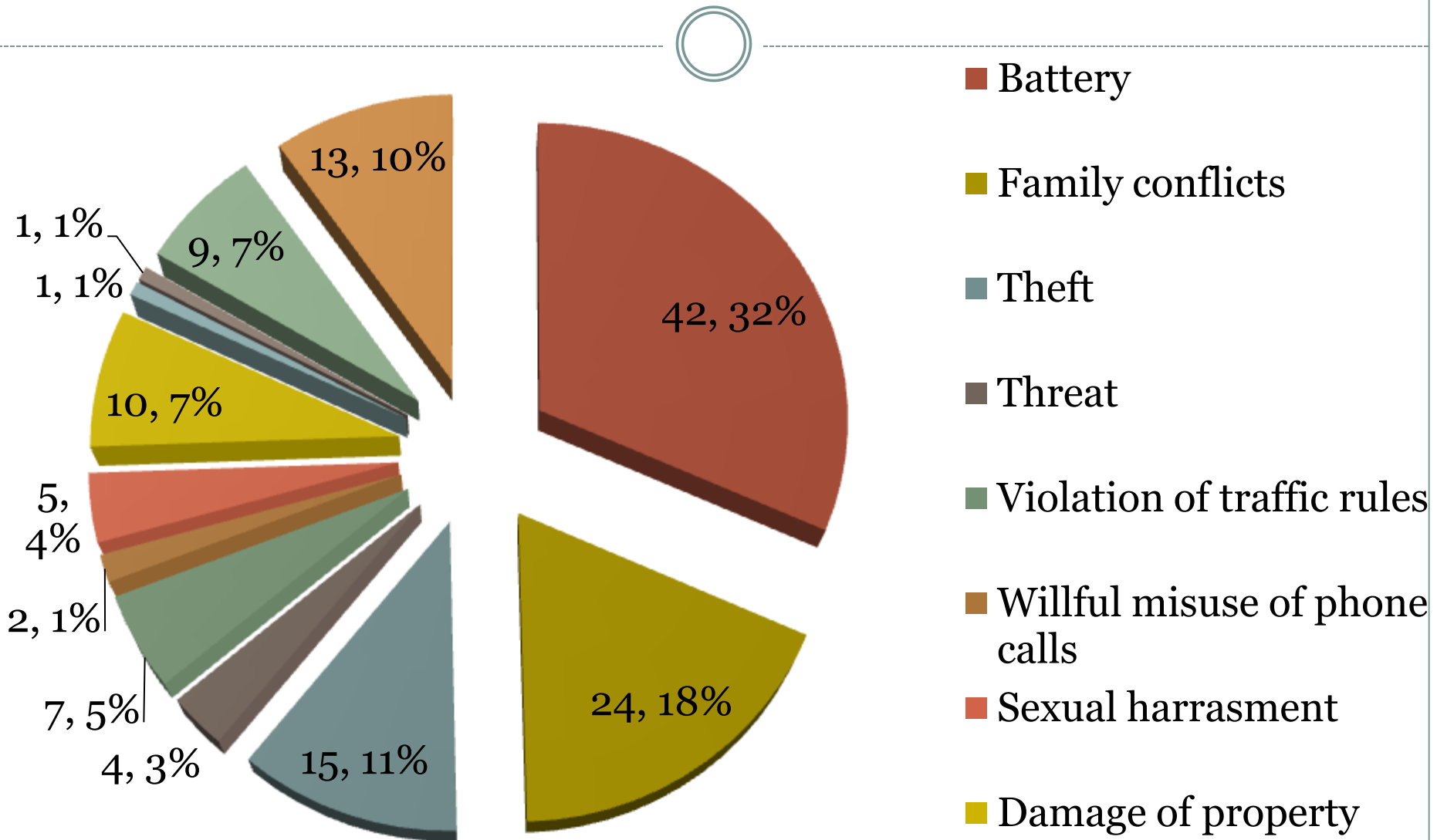
Model of Intervention for introducing RJ/VOM

Knowledge/Advocacy	JJ System Improvement	Services
<ul style="list-style-type: none">• Victim-Offender Mediation for Juveniles aged 14-21;• Legal services for minors and juveniles in conflict with the law;• Restoration/reintegration of victims;• Rehabilitation for offenders;• Family conferencing for juvenile parties in conflicts;• Peer mediation in schools .	<ul style="list-style-type: none">• Institutional capacity building – training of:<ul style="list-style-type: none">- Mediators, judges, prosecutors, lawyers, School of Magistrate students;- Police officers;- Probation officers;- Detention center’s staff (police and education staff);• Tools for professionals, (guidelines, manuals, training modules, etc.).	<ul style="list-style-type: none">• Baseline survey on RJ and mediation for juveniles – possibilities and challenges;• Advocacy and lobbying for harmonization of legislation on RJ and mediation;• Advocacy to make mediation part of the diversion scheme;• Use of media to promote the RJ and mediation approach.

Some data on the cases managed through RJ in 2017



Types of conflicts managed in 2017



Main Achievements



- RJ and Mediation – part of the Juvenile Justice Code (JJC), entered into force in 2018 – which provides for the diversion procedure to RJ and mediation;

- Challenges faced during the process:

- long process, initiated in 2006;
- unknown concept even among high levels;
- political will – discussion whether there is need for a code or just a law for minors; etc.

- Mediation law (2011) provides that mediation should be obligatory in cases involving minors;

- Cooperation with the Probation Service is well-regulated through relevant procedures (Regulation on Cooperation between the probation service and mediation one);

- Mediation service provided in around 200 cases/year, where juveniles have been involved.

Existing challenges



- The JJC has just entered into force;
- There is hesitation by the judges and prosecutors to divert cases to mediation;
- There is need for capacity building for JJ professionals, lawyers in diversion, RJ and mediation;
- Removals from working positions of the trained specialists;
- The mediation service quality assurance by mediators (in order to increase credibility of mediators);
- There is need for specialized mediators in the area of RJ, particularly for young victims and offenders;
- The mediation service is mainly provided in large cities, not throughout the country;
- There is need for increased understanding by community of the availability of the possibility of diversion to RJ programs;
- More programs on conflict resolution, peace building and restorative dialogue should be implemented in schools as a way to respond to increased level of conflicts among youth.

RJ – in relation to the prisons



- Initial programs undertaken since 2006 (under the JJ Reform) – training of police and education staff in pre-trial detention center in Tirana;
- 2010 – 2012 Pilot program supported by Save the Children, implemented in the Institute for Minors established in Kavaja (pre-trial detention and prison for minors).

Kavaja Institute for Minors



- The Institute for Minors was opened in October 2009.

- The Institute serves as:

- a rehabilitation center;
- a counseling center;
- a school for juveniles.

- This ambitious project was implemented through an EU investment.

The institution is made up of four sections in which juveniles are divided by status (sentenced and detained juveniles) and age and type of offense committed.

Juveniles serving the prison sentence come from all over the country, as soon as the final decision on their sentence is made; while pre-detained juveniles are from areas close to the institution: the district of Durrës, Tirana and Elbasan.

Focus of the program (1)



- Training of prison staff (police officers and educational staff) on RJ, Mediation, Conflict management, etc).
- Preparation of manuals and booklets



Monthly workshops with minors on topics like:

Focus of the program (2)

- Communication, importance of effective communication in avoiding and resolving conflicting situations;
- Empathy, understanding and respecting the other;
- Prejudice, why to avoid prejudice against others;
- Dialogue, negotiation and facilitation;
- Mediation and reconciliation; respective legislation in Albania.
- Work-in-group exercises on case handling;
- Concept of restorative justice; restorative justice models: victim-offender mediation, family conferencing, community conferencing, sentencing circles, peacemaking circles;



Focus of the program (3)



- Information meetings with parents of detained;
- Identification of potential conflicts faced in Kavaja Institute between:
 - Juveniles themselves,
 - juveniles and the staff,
 - juveniles and their own family members,
 - and also existing conflicts between juveniles and outsiders (victims and family members of their offences) or other parties.
- The treatment and resolution of such cases through peaceful approaches.

Challenges in using RJ for detained juveniles



- Making juveniles aware about the importance of restorative approach (reeducation=changing their way of thinking and acting).
- Creating a collaborative sense between juveniles inside the institute.
- Explaining the importance of RJ program to the family members of juveniles.
- Establishing the mechanism of case referring to the service of mediation.

Challenges in using RJ for detained juveniles



- Difficulties on contacting the victim's family party.
- Difficulties on accepting the RJ approach by the victim and/or victim's family.
- Difficulties of collaboration of the community on applying the RJ approach.
- The lack of the collaboration of institutions after the release of Juveniles from the Penitentiary Institutions.

Pieces of interviews from juveniles in Kavaja Institute (known as IMK)

Why do juveniles create conflicts inside the Institute?



- "Sometimes I'm so bored that I'm going to destroy everything...I'm going to beat and cuddle them all. When I calm down I understand that it is not their fault, but I'm a human being at the end... How can a person stay here? Can you tell me ... ?"

"Sometimes we just start arguing during a chess game, sometimes over the control of the TV channels, sometimes for using the phone booth. We are many, and each of us wants to use these things at the same time. We do not agree and we start to shout: Who are you and who am I... "

A case study

The collaboration of the community



- A. B was a 17 year-old boy. One day he took his father's car, and together with two friends went out for a ride. In a curve, a truck appeared in front of them, and the three juveniles had an accident. Two friends of A.B lost their lives and A.B was sentenced and was brought to IMK.
- His psychological and emotional condition was very severe. He felt guilty for losing the life of his two friends. The family of one of the friends had forgiven A.B, while the other friend's family refused to forgive him, mainly because of the influence of the community.
- The case was referred to the mediation service by a social care worker, who worked at IMK.

The case management



- A mediator (a man of 35 years old) managed the case
- The difficulties on accepting the RJ approach from the family of the victim.
- The head of the village helped the process
- The case was solved successfully
- The psychological and emotional situation of the juvenile were improved.
- The families have re-established the relationship.



Thank you for your attention!

